

§ 1522.103 Requirements for validation firms.

In addition to the other requirements of this part, a validation firm must meet the following requirements to be approved to assess certified cargo screening facilities:

(a) *Resources.* The validation firm must have sufficient facilities, resources, and personnel to conduct the assessments.

(b) *Security Coordinator.* The validation firm must designate and use a Security Coordinator and at least one alternate Security Coordinator.

(1) The Security Coordinator and alternates must be senior employees or officers of the firm, and must be readily available during normal business hours.

(2) The Security Coordinator and designated alternates must serve as the validation firm's primary contact for security-related activities and communications with TSA.

(3) The Security Coordinator must immediately initiate corrective action for any instance of non-compliance by the validation firm with any applicable TSA security requirement.

(c) *Security Program.* The validation firm must obtain TSA approval of a security program and must implement the security program.

(d) *Personnel.* The validation firm must ensure that its personnel carry out the requirements of this chapter and the validation firm's security program.

(e) *Change in information.* (1) The validation firm must inform TSA, in a form and manner prescribed by TSA, of any change in the information required to be submitted by the validation firm to TSA under this part within seven days of the change.

(2) Changes included within the requirement of this paragraph include, but are not limited to, changes in the validation firm's address, phone number, or other contact information, the identity of the Security Coordinator or alternate, significant changes in ownership of the firm.

§ 1522.105 Adoption and implementation of the security program.

(a) *Security program required.* No person may operate as a validation firm

unless that person holds and carries out an approved security program under this part.

(b) *Content.* The validation firm standard security program together with approved alternate procedures and amendments that TSA has issued to that particular firm constitutes that firm's security program. Each security program under this part must—

(1) Provide for the security of aircraft, as well as that of persons and property traveling in air transportation, against acts of criminal violence and air piracy, and against the introduction into aircraft of any unauthorized explosive, incendiary, and other destructive substance or item;

(2) Describe the processes and procedures to be used to maintain current qualifications, credentials, or accreditations, training, and security threat assessments for relevant personnel;

(3) Describe the facilities, support personnel, and other resources to be used in conducting assessments; and

(4) Require that the validation firm designate and use a Security Coordinator and at least one alternate Security Coordinator.

(c) *Amendment requested by a validation firm or applicant.* A validation firm or applicant may file a request for an amendment to its security program with the TSA designated official at least 45 calendar days before the date it proposes for the amendment to become effective, unless the designated official allows a shorter period. Any validation firm may submit to TSA a group proposal for an amendment that is on behalf of it and other validation firms that co-sign the proposal.

(1) Within 30 calendar days after receiving a proposed amendment, the designated official, in writing, must either approve or deny the request to amend.

(2) An amendment to a validation firm's security program may be approved if the designated official determines that safety and the public interest will allow it, and if the proposed amendment provides the level of security required under this part.

(3) Within 30 calendar days after receiving a denial of the proposed amendment, the validation firm may petition

TSA to reconsider the denial. A Petition for Reconsideration must be filed with the designated official.

(4) Upon receipt of a Petition for Reconsideration, the designated official must either approve the request to amend the security program or transmit the petition, along with any pertinent information, to TSA for reconsideration. TSA will make a determination on the petition within 30 calendar days of receipt by either directing the designated official to approve the amendment or by affirming the denial.

(d) *Amendment by TSA.* TSA may amend a security program in the interest of safety and the public interest, as follows:

(1) TSA must notify the validation firm, in writing, of the proposed amendment, fixing a period of not less than 30 calendar days within which the validation firm may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the designated official must notify the validation firm of any amendment adopted or rescind the notice of amendment. If the amendment is adopted, it becomes effective not less than 30 calendar days after the validation firm receives the notice of amendment, unless the validation firm disagrees with the proposed amendment and petitions the TSA to reconsider, no later than 15 calendar days before the effective date of the amendment. The validation firm must send the petition for reconsideration to the designated official. A timely Petition for Reconsideration stays the effective date of the amendment.

(3) Upon receipt of a Petition for Reconsideration, the designated official must either amend or withdraw the notice of amendment, or transmit the Petition, together with any pertinent information, to TSA for reconsideration. TSA must make a determination on the Petition within 30 calendar days of receipt, either by directing the designated official to withdraw or amend the notice of amendment, or by affirming the notice of amendment.

(e) *Emergency Amendments.* (1) If TSA finds that there is an emergency requiring immediate action that makes compliance with the procedural re-

quirements in this section contrary to the public interest, the designated official may issue an emergency amendment, without the prior notice and comment procedures described in paragraph (d) of this section.

(2) The emergency amendment is effective without stay on the date the validation firm receives notification. TSA will incorporate in the notification a brief statement of the reasons and findings for the emergency amendment to be adopted.

(3) The validation firm may file a Petition for Reconsideration with TSA no later than 15 calendar days after TSA issues the emergency amendment. The certified cargo screening facility must send the Petition for Reconsideration to the designated official; however, the filing does not stay the effective date of the emergency amendment.

(f) *Availability.* Each validation firm having a security program must do the following:

(1) Maintain an original of the security program at its corporate office.

(2) Have accessible a complete copy, or the pertinent portions of its security program, or appropriate implementing instructions, at each office where it conducts validation services. An electronic version is adequate.

(3) Make a copy of the security program available for inspection upon the request of TSA.

(4) Restrict the distribution, disclosure, and availability of information contained in its security program to persons with a need to know, as described in part 1520 of this chapter.

(5) Refer requests for such information by other persons to TSA.

§ 1522.107 Application.

(a) *Initial application and approval.* Unless otherwise authorized by TSA, each applicant must apply for a security program and for approval to operate as a validation firm, in a form and a manner prescribed by TSA, not less than 90 calendar days before the applicant intends to begin operations. The application must be in writing and include the following:

(1) The firm's legal name; other names, including doing business as